

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DONALD DEAVULT,)	
)	
Petitioner,)	
)	
v.)	No. 4:02CV00484 ERW
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

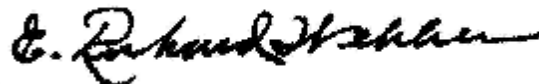
MEMORANDUM AND ORDER

This matter comes before the Court upon Petitioner's Motion for Relief from Judgment Pursuant to Federal Rule of Civil Procedure 60(b) and Dye v. Hofbauer [doc. #20]. After reviewing Petitioner's Motion, it is clear that the Motion has been incorrectly docketed. In his Motion, Petitioner requests that the Court grant relief from the denial of a § 2255 Petition filed on September 11, 2000 in *Donald Deavault v. United States*, No. 4:00CV01453 ERW. That § 2255 Petition was denied on March 6, 2001, in a Memorandum and Order from this Court. Thus, Petitioner's current Rule 60(b) Motion requesting relief from judgment should have been filed in that case. Therefore, the Court will order that Petitioner's Motion be re-docketed as an entry in *Donald Deavault v. United States*, No. 4:00CV01453 ERW.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for Relief from Judgment Pursuant to Federal Rule of Civil Procedure 60(b) and Dye v. Hofbauer [doc. #20], which was incorrectly docketed in the above styled case, shall be re-docketed as an entry in *Donald Deavault v. United States*, No. 4:00CV01453 ERW.

Dated this 6th day of April, 2006.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE